

Appln. No.: 10/822,571
Response Dated January 8, 2009
Reply to Office Communication dated December 9, 2008

BBM-149US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No: 10/822,571
Applicant: Marc Richelsoph et al.
Filed: April 12, 2004
Title: SCREW AND ROD FIXATION ASSEMBLY AND DEVICE
T.C./A.U.: 3733
Examiner: David C. Comstock
Confirmation No.: 2636
Docket No.: BBM-149US

RESPONSE TO OFFICE COMMUNICATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

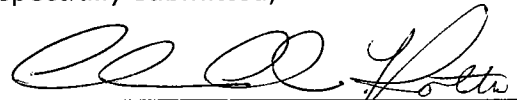
Dear Sir,

The Office Communication dated December 9, 2008 requires the Applicant to clarify the status of the elected claims.

In response to a Restriction/Election requirement, Applicant elected Species A, FIGS. 3-8 without traverse, and listed claims that were believed to correspond with Species A. The Examiner determined that a different set of claims, namely claims 1-5, 7, 11, 15-19, 21, 25, 27, 29, 30, 32-36, 38, 41, 42, 44-50, 52, 53, 56-61, and 63-66, correspond to Species A. (May 14, 2007 Office Action). The examiner withdrew the remaining claims from consideration.

Applicant defers to and relies upon the Examiner's determination of which claims correspond to elected Species A. Therefore, the Examiner's list, i.e. claims 1-5, 7, 11, 15-19, 21, 25, 27, 29, 30, 32-36, 38, 41, 42, 44-50, 52, 53, 56-61, and 63-66, reflect the elected claims.

Respectfully submitted,



Christopher A. Rothe, Reg. No. 54,650
Attorney for Applicants

Dated: January 8, 2009

The Director is hereby authorized to charge or credit Deposit Account 18-0350 for any additional fees, or any underpayment or credit for overpayment in connection therewith.